

**From:** [Sonja Wiser](#)  
**To:** [Kathy Vogt](#)  
**Cc:** [Rebecca Messinger](#); [Oliver Orjiako](#); [Susan Ellinger](#); [Jenna Kay](#); [Christine Cook](#); [Bryan Halbert](#); [Bryant Enge](#); [Eldon Wogen \(Wogen5@msn.com\)](#); [Jack Harroun](#); [Karl Johnson](#); [Matt Swindell](#); [Steve Morasch \(stevem@landerholm.com\)](#)  
**Subject:** RE: Public Testimony Regarding ADU Code Concerns  
**Date:** Monday, July 24, 2023 6:37:00 AM

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Thank you for your testimony; I will forward to the staff, County Council & Planning Commission and add to the Index of Record

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**From:** Kathy Vogt <kathy.vogt@gmail.com>  
**Sent:** Monday, July 24, 2023 1:49 AM  
**To:** Sonja Wiser <Sonja.Wiser@clark.wa.gov>  
**Subject:** Public Testimony Regarding ADU Code Concerns

**CAUTION:** This email originated from outside of Clark County. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I hope this is directed to the right person to get this where it needs to go!

TO: Clark County Council and Planning Commission  
FROM: Tom and Kathy Vogt  
DATE: July 24, 2023  
RE: ADU Building Code Requirements and Other Concerns

Dear County Council and Planning Commission Members:

My husband and I would like to build an ADU, using Accessible Design concepts, on our 2-acre property in the Salmon Creek area to provide a safer place for us to live as we continue to age. We are currently in our mid-70s and living in a two-story home, bedrooms upstairs, that also has several steps into every exterior entry. If either (or both) of us ends up using a walker or wheelchair, the current home would be very difficult to navigate. Having the proposed ADU on site would allow our daughter's family to move into our current home to provide critical support as we become less mobile. We had no idea when we started this process, nearly 2 years ago, that there would be so many obstacles.

Recently, I sent a letter to all five Clark County Councilors explaining some of my frustrations. I very much appreciated the three of them who answered to let me know they received my letter and were checking into my concerns. Councilor Marshall got back to me almost immediately with clarifying questions so she could better meet our needs, and then sent my problems on to people who could do something about them. Councilor Yung answered several emails with many answers and links giving critical information about proposed code changes and the meeting on July 25. I really appreciated his time and effort

to let me know what is happening. Many of his email responses were long after expected office hours. Councilor Bowerman also responded and is checking into limitations.

I want to go on record supporting some of the common-sense code changes that are being proposed. Most of the changes I saw in the proposals appear to be worth considering but a few of them are more critical to our construction needs.

One of the things I learned is that Washington State standards allow for an ADU to be up to 50% of the size of the primary residence. Clark County currently only allows 40%. I support the code change that would allow Clark County to be in alignment with the state on this.

I also want to support the code change proposal allowing the ADU to be built in front of the primary residence where there is space to do so. There is enough land in front of our primary residence to build an ADU with room left over. We started our effort to build a second home on our property, nearly 2 years ago, by attempting to short plat the front (east) half acre of our property. This would have created a convenient building site which would have allowed for denser future development on the west acre. There is more than adequate land to do so but, unfortunately, completing the short plat required building a paved road, to county standards, with sidewalks that that would cost in the neighborhood of \$400,000. A school teacher and journalist couldn't save enough money to build your road and our home. To make it worse, the road would not have been used by anyone. Pushing that road through also opened up the adjoining neighborhood, where children play in the streets, to unnecessary extra traffic, like the Amazon trucks who visit my neighbors several times every day. Additionally, our current private road would have to be closed (another county requirement) and would have prevented our neighbor to the south from having access to the shop at the back of his property, requiring him to drive several blocks out of his way through the adjoining neighborhood, to access it. While you are looking at code changes, it would be good to take a look at some of the short plat codes that make it unnecessarily difficult to build here.

Another change I wholeheartedly support is taking the proposal directly to the building permit stage and eliminating the site plan review requirements. Eliminating any permitting steps could help speed up a lengthy process.

I have been told recently that an ADU must have a detached garage. I would like to see a code change to rectify this. It is hard to understand why nearly every home in Clark County is allowed to have direct access to a garage but the elderly and other vulnerable people who need to build an ADU for family support are not allowed to have one, unless they can find a kind person at the county level who is willing to grant them an exemption. I have been told that the detached garage must be separate because if there is access to the garage, the garage footage must be included in the living area allowance. A normal size garage, then,

would take up a good portion of the space the occupant would need to live. The obvious solution to rectify this is to take the nonliving space portion of the building, like the garage, out of the living space allowance. When the living space allowance for the ADU is calculated from the area in the primary residence, the garage, basement, attic and other nonheated spaces are not included in the calculation. It seems contradictory that the garage space is calculated into the total maximum for the ADU but is not included in the calculation of space in the primary home that dictates the maximum size of the ADU.

I believe that a detached garage causes unnecessary safety issues for vulnerable older people. It is unclear what a detached garage even means. Depending on who I talked to, it can be one structure with a common roof and common wall but with no doors to the living space; another definition requires two separate structures with space in between. With either definition, since an older person must go outside to access the garage, I have the following concerns:

1. It forces older people who have weakened immunity into unhealthy weather conditions. We would be required to move from the living area into bad weather to retrieve things from the garage. This is particularly deplorable if the activity requires multiple trips to unload shopping or retrieve other things on a rainy or snowy day. As we age, our immune systems become less able to fight off pneumonia and other potential health challenges when we are exposed to the elements.
2. It forces people with limited mobility to deal with wet and icy walking surfaces, which can result in falls leading to broken bones or death. My husband's mother broke her shoulder from a fall on an icy driveway. That forced her into a senior care facility and she was in pain for the rest of her life. All four of our parents had life-altering falls that put them into senior care, so we are well aware of the danger.
3. It forces older people to walk in potentially dark areas at night where their limited vision could contribute to a fall.
4. It requires them to walk outside of their homes where they could be vulnerable to a mugger, especially when it is dark at night.
5. An extra exit door with access through the garage could allow an escape from a fire if other exits are blocked. People in a wheel chair or using a walker would struggle with a window exit.

A detached garage is a real inconvenience for people with limited mobility, especially when the living area in the home is so restricted in allotted space that pantry items, freezers, laundry facilities, and storage items must be kept in the garage. The occupant is made vulnerable to the safety issues listed above but it is also an inconvenience to have to put on a coat to go out to the garage for supplies for dinner or to do the laundry. This is especially challenging when the occupant is using a wheelchair or walker.

A detached garage is also a waste of valuable resources. Heat (or cool air in the summer) will be lost to the outside every time a door to the outside is opened, both in the living area and the garage. If the air is lost to a garage, instead of outside, it can help keep the climate in the garage more acceptable and require less extra heating in the garage to protect the car

and laundry plumbing on very cold days. There is also less heat contrast between the outside and the garage which helps keep the inside space more consistent.

There is some discussion about whether or not a garage must be fully detached so it would be good to clarify this in your code, if you must foist this dangerous and inconvenient requirement on your residents. We were told that even if the common wall (with no doors) were allowed, that we must apply for two building permits, even though there is only one structure. I wonder why this is the case when any other house in Clark County would be allowed to be built with one building permit with the additional convenience of an attached garage. It seems those of us who wish to build an ADU are expected to pay double for less convenience. I hope eliminating the extra permit is one of the code changes that is being considered since the house and garage, whether connected with a common wall or completely detached, will likely be constructed at the same time.

Since the detached garage is not clearly defined, I will also add my concerns about the separate building version.

A fully detached garage requires two extra exterior walls to be built, instead of one common wall with sheetrock. The extra construction will require additional framing boards, nails, insulation, and siding that are completely eliminated when one wall can be framed, insulated, sheetrocked, and painted on both sides to be finished. This wastes valuable resources and makes construction more expensive for people on a limited income. The heat loss through the extra exterior walls will also be greater than one backed up to a garage because of the airflow on cold and windy days. This creates higher climate control bills for the homeowner and a higher demand on the electrical grid.

A fully detached garage also requires a larger footprint to allow space between the buildings. This is not a deal breaker when we are working with 2 acres but with a smaller lot this would be problematic.

Another concern we have is that we tried to match, as much as possible, the design of the current home, as specified in the ADU requirements. If we must go to a fully detached structure, the living area will have a very changed appearance with a much narrower eastern view with the detached garage. It will completely negate the effort we have made to match contours with a home that has an attached garage.

Please know the county planners we have worked with on our ADU project have been very professional and good about trying to help us but we are getting the impression their hands are tied with the codes that are passed at the county and state levels. We sincerely hope that code changes will be passed that will make the short plat and ADU construction processes work better. As it is, we feel like we are finding new roadblocks every day and we

would like to have this process completed while we are still mobile enough to move in.

Sincerely,  
Tom and Kathy Vogt